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Superior Court Of California
County Of Los Angeles

APR 25 2017

Sherri R. Carter, Executive Officer/Clerk
By: Charlie L. Coleman, Deputy

NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

BETTY WILLIAMS and EVERT WILLIAMS, as
individuals and as co-trustees of the WILLIAMS
FAMILY REVOCABLE TRUST DATED JUNE 1,
2015; and DOES 1 through 50, inclusive,

Defendants.

Case No.: **BC 6 5 8 9 8 6**
**COMPLAINT FOR ABATEMENT
AND INJUNCTION**

[CIVIL CODE SECTION 3479, ET
SEQ.; BUS. & PROF. CODE
SECTION 17200, ET SEQ.]

[Unlimited Action]

COMPLAINT FOR ABATEMENT AND INJUNCTION

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating, preventing, and enjoining a gang-related public nuisance that exists at a property with addresses commonly known as 5501 through 5517 S. Vermont Avenue, Los Angeles, CA 90037 (the "Property"). The Action is brought pursuant to the Public Nuisance Law ("PNL"), California Civil Code sections 3479, *et seq.*, and the Unfair Competition Law ("UCL"), California Business and Professions Code sections 17200, *et seq.*

2. The Property is a commercial strip mall known as "The Hut Village," aka "The Hut," located on the corner of 55th Street and Vermont Avenue in a commercial area along Vermont Avenue and is also adjacent to residential homes on 55th Street. For approximately two decades, the Property has been, and currently is, a cesspool of lawlessness marked by violence, including murder, shootings, batteries, robberies, and narcotics sales. It is a stronghold for two allied gangs, 51 Nothing But Trouble Gangster Crips and 52 Hoover Gangster Crips (collectively, the "Gangs"). The Gangs' members and associates use the Property, specifically the Property's parking lot (hereinafter, the "Parking Lot") and some of the businesses, to loiter in large groups on a daily basis to claim the Property as theirs to the surrounding community and to rival gangs. They are often armed and have been known to deal narcotics in the Parking Lot. They also park their vehicles in the driveways leading to the Parking Lot in an effort to stall both rival gang members and law enforcement. Their constant presence on the Property makes it an easy target for shootings by rival gangs. Keeping in character with the lawlessness of the Property is the fact that many of the businesses on the Property lack proper licensing and permitting, and some even appear to facilitate and/or permit the Gangs' activities in their respective businesses.

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1 3. The violence and chaos at the Property occurs perilously close to four schools,
2 which are located within a half mile radius of the Property.

3 4. The Property is owned by EVERT WILLIAMS ("E. Williams") and BETTY
4 WILLIAMS ("B. Williams"), as co-trustees of the WILLIAMS FAMILY REVOCABLE TRUST
5 DATED JUNE 1, 2015 (the "Trust").

6 5. This nuisance abatement prosecution is intended to bring the unacceptable state
7 of affairs at the Property to a halt; to make the Property inhospitable to the gang members and
8 associated criminals who now freely use it to intimidate and harass people in the community;
9 and to make the Property safe for the people who live, work, and shop in the surrounding area.

10 **II. THE PARTIES AND THE PROPERTY**

11 **A. The Plaintiff**

12 6. Plaintiff, the People, is the sovereign power of the State of California designated
13 in California Code of Civil Procedure section 731 to be the complaining party in actions brought
14 to abate, enjoin, and penalize narcotics nuisances and public nuisances, respectively.
15 Furthermore, the City of Los Angeles has a population in excess of 750,000, and as such,
16 California Business and Professions Code section 17204 authorizes Plaintiff, the People, to
17 prosecute actions for relief under California Business and Professions Code section 17200, *et*
18 *seq.* for unfair competition.

19 **B. The Defendants**

20 7. Defendants E. Williams and B. Williams, as co-trustees of the Trust, have been
21 the record owners of the Property since approximately October 15, 2015 and prior to that
22 owned the Property in their individual capacities as joint tenants since approximately
23 November 21, 1972 (E. Williams and B. Williams will collectively be referred to as
24 "Defendants").

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1 8. The true names and capacities of defendants sued herein as Does 1 through 50,
2 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
3 names. When the true names and capacities of said defendants have been ascertained,
4 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
5 names the true names and capacities of said fictitiously named defendants.

6 **C. The Property**

7 9. The Property is a commercial strip mall with addresses commonly known as
8 5501 through 5517 S. Vermont Avenue, Los Angeles, CA 90037. The Property is partially
9 occupied with various businesses, some of which have entrances off of the Parking Lot and
10 others which have entrances directly off of Vermont Avenue. The Parking Lot has four
11 driveways leading into it: two on 55th Street and two on Vermont Avenue. The Property's legal
12 description is "Lots 56 and 57 of the Westerly Tract in the City of Los Angeles, County of Los
13 Angeles, State of California as per Map recorded in Book 16, page 68 of Maps in the Office of
14 the County Recorder of said County," with Assessor's Parcel Number 5002-022-028.

15 **III. THE PUBLIC NUISANCE LAW**

16 10. Civil Code section 3479 defines a public nuisance as "[a]nything which is
17 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
18 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
19 interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free
20 passage or use, in the customary manner, of any . . . public park, square, street, or highway .
21 . ." (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ("The Legislature has defined in
22 general terms the word 'nuisance' in Civil Code section 3479. . . .").)

23 11. Civil Code section 3480 defines a public nuisance as "one which affects at the
24 same time an entire community or neighborhood, or any considerable number of persons,
25 although the extent of the annoyance or damage inflicted upon individuals may be unequal."
26 12. In particular, gang activity, such as drug dealing, loitering, consumption of alcohol
27 and illegal drugs, and boisterous conduct which creates a "hooligan-like atmosphere"
28 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

13. Civil Code section 3491 provides for the methods by which public nuisances such as those alleged herein may be abated. Civil Code section 3491 states that the "remedies against a public nuisance are indictment or information, a civil action or abatement." Abatement is "accomplished by a court of equity by means of an injunction proper and suitable to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v. Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ("[I]n California, the rule is well established that in proper cases injunctive relief which accomplishes the purposes of abatement without its harsh features is permissible.").)

14. Code of Civil Procedure section 731 authorizes a city attorney to bring an action to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought in the name of the people of the State of California to abate a public nuisance . . . by the city attorney of any town or city in which such nuisance exists."

15. Where "a building or other property is so used as to make it a nuisance under the statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without negligence"); *People v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on findings that such nuisance was conducted and maintained on the premises in question, regardless of the knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not necessary . . . for the trial court to find either, that the [defendants] threatened, and unless restrained, would continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and having been found, supports the judgment."). This is because "the object of the act is not to punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261.)

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IV. UNFAIR COMPETITION LAW

16. The practices forbidden by California's Unfair Competition Law at Business and Professions Code section 17200 *et seq.* include any practices forbidden by law, be they criminal, federal, state, municipal, statutory, regulatory or court-made. As the California Supreme Court has explained, the UCL "borrows violations of other laws and treats them as unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal citations and quotation marks omitted).) Thus, when a property owner conducts, maintains or permits a nuisance that is unlawful under the PNL to exist on the premises of such a business, it is a violation of the UCL. (See *San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1323.)

17. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything that can properly be called a business practice and that at the same time is forbidden by law." (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. "Any person performing or proposing to perform an act of unfair competition may be enjoined" (Bus. & Prof. Code, § 17203.) The term "person" includes "natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons." (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct liability to include common law doctrines of secondary liability where the liability of each defendant is predicated on his or her personal participation in the unlawful practices. (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95 Cal.App.4th 952, 960.)

18. Civil actions under the UCL may be brought in the name of the People of the State of California by any city attorney of a city having a population in excess of 750,000 (Bus. & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to section 17200 based on violations of its own municipal code, state law, or other local ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

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19. Defendants engaging in violations of the UCL may be enjoined in any court of competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or judgments, including appointment of a receiver, as may be necessary to prevent the use or employment by any person of any practice constituting unfair competition. (*Id.*)

20. Although no case has specifically been called upon to define the term "business" in section 17200, courts have frequently given a broad reading to the provisions of the UCL so as to effect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass'n* (1972) 7 Cal.3d 94, 111-113.) The ownership of a property that is rented out to commercial tenants is, axiomatically, a business. Further, recent amendments to section 17200 make clear that even a one-time act of misconduct can constitute a violation of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

V. FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE

[Civil Code Section 3479, et seq. --

Against All Defendants and DOES 1 through 50]

21. Plaintiff incorporates by reference Paragraphs 1 through 20 of this Complaint and makes them part of this First Cause of Action as though fully set forth herein.

22. For approximately two decades, Defendants and DOES 1 through 50 have owned, operated, occupied, used, and/or directly or indirectly permitted to be occupied and used, the Property in such a manner as to constitute a public nuisance in violation of Civil Code sections 3479 and 3480. The public nuisance, as described herein, is injurious to health, indecent or offensive to the senses, and/or an obstruction to the free use of property, so as to substantially and unreasonably interfere with the comfortable enjoyment of life or property by those persons living in the surrounding community. The public nuisance connected to the Property consists of, but is not limited to: violence including murder, shootings, possession of illegal firearms, batteries, and robberies; narcotics sales; and the threatening and disorderly presence of gang members.

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23. Defendants and DOES 1 through 50 in owning, conducting, maintaining, and/or permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in wrongful conduct and caused a serious threat to the general health, safety and welfare of the persons in the area surrounding the Property.

24. Unless Defendants and DOES 1 through 50 are restrained and enjoined by order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit, directly or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and appurtenances located therein, for the purpose complained of herein, to the great and irreparable damage of Plaintiff and in violation of California law.

VI. SECOND CAUSE OF ACTION FOR UNFAIR COMPETITION

[Business and Professions Code Section 17200, et seq. --

Against All Defendants and DOES 1 through 50]

25. Plaintiff hereby incorporates by reference paragraphs 1 through 24 of this Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

26. Ownership and rental of a commercial strip mall, such as the Property, is a business. When the owner of such a business violates the PNL such that a nuisance exists and flourishes at the business' premises, as set forth herein, it is also a violation of the UCL.

27. Defendants and DOES 1-50 have violated the UCL by engaging in the following unlawful or unfair business acts and practices: conducting, maintaining and/or permitting, directly or indirectly, conducting, maintaining and/or permitting, directly or indirectly, gang-related, criminal, and/or nuisance activity at the Property, as alleged herein, in violation of the PNL.

28. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50 are restrained by this Court and a receiver is appointed to manage the Property, they will continue to commit unlawful business practices or acts, thereby causing irreparable injury and harm to the public's welfare.

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PRAYER

**WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND
DECREE AS FOLLOWS:**

AS TO THE FIRST CAUSE OF ACTION

1. That the Property, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and be permanently abated as such in accordance with California Civil Code section 3491.

2. That each Defendant and their agents, officers, employees and anyone acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from operating, conducting, using, occupying, or in any way permitting the use of the Property as a public nuisance. Such orders should include, but not be limited to physical and managerial improvements to the Property such as, without limitation, an internet-connected video monitoring system accessible by LAPD, improved lighting, an armed security guard, improved screening of the businesses that operate on the Property, the appointment of a receiver to carry out the Court's orders, and such other orders as are appropriate to remedy the nuisance on the Property and enhance the abatement process.

3. Such costs as may occur in abating said nuisance at the Property and such other costs as the Court shall deem just and proper.

4. That Plaintiff be granted such other and further relief as the Court deems just and proper, including closure and/or demolition of the Property.

AS TO THE SECOND CAUSE OF ACTION

1. That each Defendant be declared in violation of Business and Professions Code section 17200.

2. That each Defendant, as well as their agents, heirs, successors, and anyone acting on their behalf, be permanently enjoined from maintaining, operating, or permitting any unlawful or unfair business acts or practices in violation of Business and Professions Code section 17200.

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1 3. That the Court grant a preliminary and/or permanent injunction prohibiting each
2 Defendant, as well as their agents, heirs, successors, and anyone acting on their behalf, from
3 engaging in the unlawful or unfair acts and/or practices described herein at the Property and in
4 the City of Los Angeles. Such orders should include physical and managerial improvements to
5 the Property.

6 4. That, pursuant to Business and Professions Code section 17206, each
7 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair competition.
8 5. That, pursuant to the Court's equitable power and Business and Professions
9 Code section 17203, the Court make such orders or judgments, including appointment of a
10 receiver, to eliminate the unlawful or unfair competition alleged herein.

11 AS TO ALL CAUSES OF ACTION

12 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
13 the service of process or notices which would have been paid but for Government Code
14 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
15 amount of the fees for certifying and preparing transcripts.

16 2. That Plaintiff be granted such other and further relief as the Court deems just and
17 proper.

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19 DATED: April 25, 2017

Respectfully submitted,

20 MICHAEL N. FEUER, City Attorney
21 MARY CLARE MOLITOR, Chief, Crim. & Spec. Lit. Branch
22 JONATHAN CRISTALL, Superv. Assist. City Attorney
23 NANCY C. HAGAN, Deputy City Attorney

24 By: 

NANCY C. HAGAN

25 Attorneys for Plaintiff, THE PEOPLE OF THE
26 STATE OF CALIFORNIA
27
28